



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

December 16, 2015

Gayne Sears, Ranger
Newport/Sullivan Ranger District
315 North Warren Avenue
Newport, Washington 99156

Dear Ms. Sears:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations for implementing NEPA, the U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the proposed LeClerc Creek Grazing Allotment project (EPA Region 10 Project Number: 14-0019-AFS) on Newport-Sullivan Ranger District of the Colville National Forest in Pend Oreille County, Washington.

The DEIS evaluates potential environmental impacts of authorizing continued livestock grazing on LeClerc Creek cattle and horse allotment (23,412 acres) over a 10-year term. The allotment is divided into five pastures, of which two are spatially separated from the rest of the allotment. Within or adjacent to the allotment boundaries, there is private property and the East Branch of the allotment subwatershed maintains a checkerboard ownership between Forest Service, Washington State, and Stimson Lumber Company. Currently, 101 cow/calf pairs are allowed to graze on the allotment from June 1st to September 30th each year in a deferred rotation system, and to water at streams and springs due to a lack of developed water sources. Existing allotment infrastructure includes ten fences (14 miles), two corrals/loading chutes, and two enclosure fences maintained by the Forest Service and/or the Kalispel Tribe. The project area lies within the traditional use area of the Kalispel Tribe and there are Native American cultural resource sites within the allotment. The proposed analysis will assist the Forest Service in deciding whether livestock should continue on all, part, or none of the analysis area and under what terms and conditions.

For analysis of impacts from the proposed action, the Forest Service considered four action alternatives, A-D, including a No Action (p. 21). Under the Proposed Action and Preferred Alternative (Alternative C), the Forest Service would reauthorize grazing on the allotments and redefine grazing management to:

- include boundary alterations
- remove the Fourth of July pasture (2,460 acres) from grazing
- connect the Dry Canyon pasture to the rest of the allotment
- change the season of use from June 15th to October 15th
- block trails or other paths to reduce cattle drift
- include construction of new fences
- improve other facilities (water developments, access routes, stream crossings, corrals, and catch pens).

Overall, Alternative C would reduce the size of the allotment by nearly 2,772 acres, increase monitoring and include adaptive management strategy. Alternative D is the current permittee's proposal and

incorporates all of the elements of Alternative C, but with changes to the allotment boundaries to address logistical challenges for the movement of livestock between pastures. Due to boundary adjustments, Alternative D would increase the allotment size by about 2,453 acres (p. 42). Under Alternative A, the Forest Service would continue current grazing management without change, while no grazing on the allotment would occur under Alternative B.

Based on our review, we have assigned a rating of EC-2 (Environmental Concerns Insufficient Information) to the DEIS due largely to concerns about impacts to water quality. For your reference, a copy of the rating system used in conducting our review is enclosed. Overall, the DEIS includes a good description of resources within the project area and analysis of anticipated environmental impacts. The document includes some measures to offset the impacts, and monitoring to determine if measures are effective. Our concerns relate to potential impacts that would result from grazing in riparian areas, including loss of biodiversity, wildlife habitat, decline in water quality, and negative effects to fish populations.

While we support the proposed deferred rotation grazing strategy, we are concerned about potential impacts that would result from use of corrals and grazing in wetland/riparian areas (p. 116), including loss of biodiversity, wildlife habitat, decline in water quality, and negative effects to fish populations. We believe that concentration of livestock in those areas would generate significant impacts on riparian vegetation and wetlands, soils, streambanks, water quality, and fisheries.

We recommend that grazing be excluded or minimized in wetland/riparian zones and that additional early actions be undertaken to address streams that have already been affected and are currently functioning at risk. Actions to increase shade and improve hydrologic functioning of streams would be beneficial. Similar actions would also benefit many riparian areas where most hydrologic impacts are found. Further protection of riparian areas may be warranted, especially around creeks that are not expected to meet desired conditions for many years, such as the West Branch LeClerc Creek where impacts may affect high quality habitats and other sensitive resources. We recommend that aquatic Best Management Practices (BMPs) be consistent with those prescribed in the USDA National BMPs for Water Quality on National Forest System Lands, that there be effective enforcement of grazing permit conditions, and that full support will be provided to implement projects that improve stream water quality conditions within the allotment.

We further recommend continued coordination with Washington State Department of Ecology and affected tribes as the proposed project is implemented to ensure compliance with the State water quality standards and as implementation of the Colville National Forest Temperature and Bacteria Total Maximum Daily Load continues. The DEIS indicates there are water quality impaired streams within the allotment due primarily to exceedances of water quality standards for temperature. We note a lack of data regarding other water quality parameters including turbidity and fecal coliform concentrations for streams in the allotment where high loadings might be expected, especially in areas where overgrazing may be occurring. Please also note that anti-degradation provisions of the Clean Water Act apply to those water bodies where water quality standards are currently met.

Because there are fish-bearing creeks and other threatened, endangered, and candidate species occur on the allotment (p. 142), we recommend coordination with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and, as appropriate, with the Washington State Department of Fish and Wildlife

to reduce risks to species and protect biota and habitat during implementation of the proposed livestock grazing. The final EIS should include any additional relevant information developed as a result of coordination with these agencies, particularly outcomes of consultations with the agencies and recommended measures to protect species.

Thank you for the opportunity to offer comments. If you have questions about our comments, please contact me at (206) 553-1601 or by electronic mail at littleton.christine@epa.gov, or you may contact Theo Mbabaliye of my staff at (206) 553-6322 or by electronic mail at mbabaliye.theogene@epa.gov.

Sincerely,



Christine B. Littleton, Manager
Environmental Review and Sediment Management Unit

Enclosure:

1. U.S. Environmental Protection Agency Rating System For Draft Environmental Impact Statements

**EPA Detailed Comments on the Draft EIS for
LeClerc Creek Cattle Grazing Allotment
Newport-Sullivan Ranger District, WA**

Surface Water Quality and Wetlands

Water quality impacts

The DEIS indicates there are water quality impaired streams within the grazing allotments (segments of East Branch, Middle Branch, and West Branch Leclerc Creeks) due primarily to exceedances of temperature water quality standards (p. 90), but also sedimentation and fecal coliform, although no numeric criteria are provided for the latter two parameters in the EIS document. The DEIS states that the Middle Branch LeClerc Creek receives the majority of grazing impacts throughout the grazing season, and that extended periods of grazing, particularly in riparian areas, likely contribute to the existing elevated levels of sedimentation and temperature in the creek (p. 96). Water temperature within Middle Branch Creek, for example, has been consistently exceeding the state standard of 16 degrees C. throughout the summer months (for 2010, 2013 and 2014 by as much as 3 degrees C. (p. 103). In previous years, both East and Middle Branch Leclerc creeks have exceeded the standard by as high as 6 degrees C. As the existing Colville National Forest Temperature and Bacteria TMDL Water Quality Implementation Plan indicates, the level of canopy cover needed to bring the stream water temperature into compliance with the state water quality standard is 84% (p. 103). Thus, it would appear that Alternatives C and D may not be expected to improve temperature conditions within the West Branch LeClerc Creek subwatershed. The greatest concern in that area remains the state of impaired reaches where grazing pressure and impacts may exacerbate water quality impairments. While the increase in use along West Branch LeClerc Creek would be expected to be of low frequency, it is possible that it could result in continued impairment of the stream reach identified in the TMDL over the long term (p.124).

We also note that 55 stream surveys were conducted between 2008 and 2009 to determine the hydrologic function within the allotment. Reported results indicated that about 50 percent of reaches, mainly in East and West Leclerc Creek subwatersheds were in poor/fair conditions and functioning at risk (p. 103). Where vegetation is lacking, the stream reaches have a higher capacity for increased velocity and erosion that can affect fish habitat and health. Additional monitoring data also have shown that in such reaches, bank stability is low, especially where fences and roads are adjacent, and culverts and bridges are at risk of failing, resulting in high sediment delivery to streams (p. 105).

Although some riparian areas in the project area will be restored, we are concerned about sites where continued livestock grazing is likely to further degrade streams through increased entrenchment due to streambank scouring, erosion, poor drainage and loss of soil and riparian vegetation. Such entrenchment, characteristic of Rosgens' F or G channels, have the potential to contribute significant sediment bedloads to the system, thus slowing the rate of water quality and stream health recovery. Because there are such stream channels in the project area (p. 104), we believe that additional protection of certain riparian areas may be warranted; such as on upper Middle Branch, Mineral, upper Whiteman, Dry Canyon, and West Branch LeClerc Creek reaches (p. 109) where potential impacts could compromise the hydrologic environment and result in adverse effects, as well as other areas where F and G channels are near high quality habitat(s), drinking water sources, and other sensitive resources. In such cases, we recommend that grazing exclusions be considered to move existing resource conditions toward desired future conditions

more rapidly in high value riparian areas. In addition, active restoration should target such areas to increase vegetation cover and improve thermal conditions of the stream channels. Please also note that anti-degradation provisions of the Clean Water Act apply to those water bodies where water quality standards are currently met.

Fisheries and related impacts

Information in the DEIS indicates that there are fish-bearing streams on the allotment, and that LeClerc Creek has been designated as critical habitat for bull trout. This area is part of the core area habitat for the fish within the Draft Columbia Headwaters Recovery Unit Implementation Plan for Bull Trout Recovery Plan by the U.S. Fish and Wildlife Service. The Plan also cites livestock grazing as a primary threat to bull trout by causing riparian and instream degradation, loss of large woody debris, and pool reduction in LeClerc Creek (p. 126). Continued cattle grazing in riparian areas and cattle trailing along streams within the allotment may continue to contribute elevated sediment levels to streams in the watershed, resulting in fish mortality or egg loss. This would be of particular concern in the middle and upper reaches of West Branch LeClerc Creek in an area that has been rated as highly unstable and prone to mass wasting (p. 112) where cattle movement on unstable slopes may exacerbate delivery of sediments in streams.

Animal waste deposited near or directly into the water may introduce bacteria and nutrients to waterways potentially impacting aquatic species, including fish. The DEIS notes that there are currently no water developments or troughs in the allotment. Therefore, cattle obtain water from streams and undeveloped springs, resulting in adverse impacts to stream banks, wetlands, and riparian areas, especially later in the grazing season when upland forage is less palatable (p. 9). Also, in the analysis area, there are at least two undersized and improperly placed culverts that prevent upstream fish passage permanently or seasonally (p. 127).

Under both Alternatives C and D, cattle would have access to fish bearing streams. Under Alternative C, nearly 25 miles of fish bearing streams would be accessible to cattle, including over 11 miles of designated bull trout critical habitat. Under Alternative D, about 33 miles of streams within the Middle and East Branches of LeClerc Creek would be located within the Lower Bunchgrass pasture, all of which would be accessible to cattle due to the low relief topography in East Branch LeClerc Creek subwatershed (p. 116). Although the Fourth of July pasture would be removed from grazing under Alternative D, the ground between Middle and East Branches of LeClerc Creek would be added to the allotment, which would concentrate the impacts to the northern portion of the subwatershed on streams that are identified as Bull Trout Critical Habitat (over 12 miles) and tributaries to these streams. As the DEIS indicates, tributaries that would be most impacted would include those with proposed stock troughs in high cattle use areas and on the north side of East Branch LeClerc Creek (p. 116). Survey data for streams within the analysis area show that most streams do not currently meet standards for Inland Native Fish Riparian Management Objectives (p. 128).

Wetlands and related impacts

The discussion of soils in the DEIS indicates that within the allotment, there are about 200 acres of hydric soils and that almost 250 acres are mapped wetlands, including wetlands on private lands (p. 188). There are also small, unmapped wetlands and seeps scattered throughout the analysis area. A survey conducted to determine whether wetlands with cattle presence or use were in proper functioning condition found that of the 160 acres of wetlands surveyed, 91 acres were functioning at risk.

In concentrated use areas, data collected during field surveys have shown that areas do not meet Regional and Forest Soils Quality Standards (p. 189). One such concentrated use area surveyed was the Ballpark Meadow (large dispersed camping and Off Highway Vehicles (OHV) area) which exceeded the Regional Soil Quality Standards being surveyed as having 100 percent detrimental soil conditions due to dispersed camping and OHV uses, cattle and historic use of the area (p. 190). Drift between pastures and off the allotment has also been an ongoing concern that effects canopy cover in riparian areas where cows prefer to forage and water. Alternatives C and D would each impact about 35 acres of wetlands as these would be made accessible to livestock grazing (p. 141).

Recommendations

- *We recommend that the final EIS include available data on bacteria and nutrients for streams in the project area, indicate the extent to which such pollutants would impact water quality, and discuss livestock management measures to reduce impacts to water quality due to bacteria and nutrients.*
- *We recommend that the final EIS include additional restoration actions to increase shade and cover, improve hydrologic functioning of streams, and bring several of the wetlands to properly functioning condition.*
- *We recommend that aquatic BMPs be consistent with those prescribed in the USDA National Best Management Practices for Water Quality on National Forest System Lands¹.*
- *We recommend continued coordination with Ecology and affected tribes to address impaired streams currently listed by the State of Washington as violating water quality standards, primarily for temperature, sediment and fecal coliform.*
- *We recommend continued work with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Washington State Department of Wildlife to define grazing practices that would be more protective of fishery resources within water quality limited streams on the allotment and to reduce risks to other endangered, threatened, and sensitive species occurring on the allotment.*

Tribal Consultation and Impacts on Cultural and Heritage Resources

The discussion of heritage resources in the DEIS indicates that the project area lies within the traditional use area of the Kalispel Tribe and that up to 46 historic properties have been identified in the analysis area (p. 198). The Kalispel Tribe has identified about 482 acres in northernmost portion of the analysis area as potentially eligible for listing with the National Register for Historic Places (NRHP) and has expressed an intent to nominate those lands for listing. However, it is not yet clear whether nominated lands include all or some of the 46 historic properties sites. At present, two historic properties have been determined ineligible for inclusion in the NRHP and the remaining 44 sites have not yet been evaluated for inclusion in the NRHP.

Because of potential impacts to cultural and heritage resources, please note that consultation for the resources is required under Section 106 of the National Historic Preservation Act (NHPA). Specifically, Section 106 of the NHPA requires federal agencies, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO), consider the effects of their actions on cultural resources

¹http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf

and mitigate adverse impacts. Under NEPA, any impacts to tribal, cultural, or other treaty resources must also be analyzed, discussed and mitigated. Executive Order 13007, *Indian Sacred Sites* also requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity of such sacred sites. Consequently, we offer the following recommendations for your consideration.

Recommendations:

- *We recommend that the final EIS identify all historic properties within the analysis area, fully analyze potential impacts to them, and determine measures to protect these resources.*
- *We recommend that the final EIS include outcomes of required SHPO/THPO consultations, and a discussion of how issues raised in the consultations were addressed, especially impacts to heritage and cultural resources, consistent with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). The EIS should also document SHPO/THPO concurrence with recommended measures to take to protect heritage and cultural resources.*
- *We recommend that the Forest Service continue to work with affected tribes to assure protection of tribal resources from grazing impacts during implementation of the proposed action.*

Impacts of Climate Change:

The DEIS states that proposed livestock grazing would have a neutral outcome on the resiliency of the analysis area related to climate change and, therefore, such impacts required no detailed analysis in this EIS (p. 20). However, the DEIS does not provide information that supports that statement. Further, the DEIS acknowledges that grazing has the potential to sequester carbon and help to mitigate climate change effects. Because the DEIS lacks a discussion and data on impacts of climate change, it is not possible for us to determine the extent to which changing climate would impact the proposed grazing and whether this grazing would exacerbate or enhance effects of climate change on resources. As an example, the DEIS indicates that green forage utilization in the allotment has already exceeded Forest Plan standards in riparian areas due to poor controls over stock movement in the allotment. If overgrazing is allowed to continue as proposed, it could exacerbate the adverse effects of climate change in those areas. The EPA recommends that the DEIS discuss mitigation measures, such as reduced stocking rate and/or grazing exclusion to allow resource recovery.

Recommendations:

- *We recommend that the final EIS include an estimate of greenhouse gas emissions associated with the proposed grazing and a discussion of practicable mitigation to reduce the emissions. The DEIS does not include data to support the conclusion that the proposed project would have a neutral outcome with regard to climate change effects.*
- *We recommend consideration of the approaches for climate impact assessment outlined in the Council on Environmental Quality's "Revised 2014 Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts" [see https://www.whitehouse.gov/sites/default/files/docs/nepa_revised_draft_ghg_guidance_searchable.pdf] and include relevant information in the final EIS.*
- *We recommend that the final EIS include a discussion of potential mitigation opportunities for reducing impacts due to climate change during the proposed grazing period, consistent with relevant federal, state and local requirements to limit such impacts.*

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.